

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA	:	
	:	Criminal Action No. 07-229-UNA
Plaintiff,	:	
v.	:	
	:	
GARY JOHNSON,	:	
	:	
Defendant.	:	

**UNOPPOSED MOTION AND ORDER
FOR EXCLUSION OF SPEEDY TRIAL ACT**

COMES NOW the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Seth M. Beausang, Assistant United States Attorney for the District of Delaware, and respectfully moves this Court for an Order excluding time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 et seq. In support of the motion, the United States respectfully states as follows:

1. The Speedy Trial Act generally provides in 18 U.S.C. § 3161(b) that an “indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested.”
2. The Defendant is currently undergoing a court-ordered examination to determine his mental competency.
3. At § 3161(h)(1)(A), the Speedy Trial Act excludes from the Act, “delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant.”

4. Counsel for the Defendant and the Government have begun discussions about a possible resolution of this matter and cannot complete those discussions until the competency of the Defendant is determined.

5. Accordingly, the United States requests that the period between the date of this Order and the conclusion of the proceedings to determine the Defendant's competency, including any hearing in connection therewith, be excluded under the Speedy Trial Act.

6. The United States has reviewed this motion with counsel for Defendant and defense counsel has no objection to the motion.

WHEREFORE, the United States respectfully requests that, pursuant to 18 U.S.C. § 3161(h)(1)(A), the period between the date of this Order and the conclusion of the proceedings to determine the Defendant's competency, including any hearing in connection therewith, be excluded under the Speedy Trial Act.

COLM F. CONNOLLY
United States Attorney

BY: /s/ Seth M. Beausang
Seth M. Beausang
Assistant United States Attorney

Dated:

IT IS SO ORDERED this _____ day of _____, 2007.

Honorable Leonard P. Stark
United States Magistrate Court